



# PUBLIC NOTICE

**Federal Communications Commission**  
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**Washington, DC 20554**

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**DA No. 23-18**

**Released: January 6, 2023**

**ALPHA MEDIA HOLDINGS INC. SEEKS FOREIGN OWNERSHIP RULING PURSUANT TO  
SECTION 310(b)(4) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED**

**PLEADING CYCLE ESTABLISHED**

**MB Docket No. 23-11**

**Comment Date: February 6, 2023**

**Reply Date: February 21, 2023**

Alpha Media Holdings Inc. (New Alpha) has filed a petition for declaratory ruling<sup>1</sup> requesting that the Federal Communications Commission (Commission) find, pursuant to section 310(b)(4) of the Communications Act of 1934, as amended, (Act)<sup>2</sup> and section 1.5000(a)(1) of the Commission's rules,<sup>3</sup> that it would serve the public interest to allow New Alpha to accept foreign investment in excess of the 25% benchmarks set forth in section 310(b)(4).<sup>4</sup> Specifically, New Alpha seeks a Commission ruling to (1) permit up to 100% aggregate foreign investment (voting and equity) in the company, and (2) specifically approve<sup>5</sup> certain foreign investors to hold more than 5% equity and/or voting interest in New

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<sup>1</sup> Petition for Declaratory Ruling of Alpha Media Holdings Inc., Application File Nos. 0000157131, 0000157330, *et al.* (filed Aug. 13, 2021) (Petition); Supplement to Petition for Declaratory Ruling, Application File Nos. 0000157131, 0000157330, *et al.* (filed Apr. 12, 2022) (First Supplement); Supplement to Petition for Declaratory Ruling, Application File Nos. 0000157131, 0000157330, *et al.* (filed Sept. 21, 2022) (Second Supplement). New Alpha concurrently filed with the Petition applications for the transfer of control of the licenses held by its indirect wholly owned subsidiaries. *See* Application of Alpha Media Licensee LLC for Consent to Transfer Control, Application File No. 0000157131 *et al.* (filed Aug. 13, 2021); Application of Alpha 3E Licensee LLC, Application File No. 0000157330 *et al.* (filed Aug. 13, 2021).

<sup>2</sup> 47 U.S.C. § 310(b)(4); *Review of Foreign Ownership Policies for Broadcast, Common Carrier, and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended*, GN Docket No. 15-236, Report and Order, 31 FCC Rcd 11272 (2016) (*2016 Foreign Ownership R&O*).

<sup>3</sup> 47 CFR § 1.5000(a)(1); *2016 Foreign Ownership R&O*, 31 FCC Rcd 11272.

<sup>4</sup> 47 U.S.C. § 310(b)(4) ("No broadcast station or common carrier or aeronautical en route or aeronautical fixed radio station license shall be granted to or held by . . . any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.").

<sup>5</sup> Under section 1.5001(i)(1) of the Commission's rules, petitioners for a declaratory ruling are required to identify and seek specific approval for any foreign individual, entity, or group that holds or would hold, directly and/or indirectly, more than 5% of equity and/or voting interests, or a controlling interest, in the petitioner's controlling U.S. parent, subject to certain exemptions, including an exemption that increases the specific approval threshold to 10% for certain institutional investors. 47 CFR § 1.5001(i)(1).

Alpha.<sup>6</sup> New Alpha filed the Petition on behalf of itself and each of its indirect wholly owned subsidiaries that hold Commission broadcast licenses.<sup>7</sup>

New Alpha seeks this declaratory ruling due to changes in its ownership structure that are an outgrowth of the recent bankruptcy reorganization of New Alpha and its subsidiaries, which hold broadcast licenses.<sup>8</sup> Following its emergence from bankruptcy, and pursuant to Commission approval and waiver of section 1.5000(a)(1) of the Commission's rules,<sup>9</sup> New Alpha is currently owned by former creditors that held second lien note claims in Alpha Media Holdings LLC Debtor-in-Possession (Old Alpha) prior to New Alpha's emergence from bankruptcy (the Owners).<sup>10</sup> In accordance with New Alpha's Joint Plan of Reorganization (Plan),<sup>11</sup> the Owners exchanged their second lien note claims in Old Alpha for pro rata equity shares representing (1) New Alpha Common Stock (Equity Interests), which confer voting rights, and (2) New Alpha Warrants (Warrants).<sup>12</sup>

Specifically, the Owners holding direct attributable interests in New Alpha after its emergence from bankruptcy are: (1) MetLife Private Equity Holdings, LLC (MPEH), a Delaware limited liability company (41.7% equity and voting); (2) Florida Growth Fund LLC (FGH), a Delaware limited liability company (27.4% equity and voting); (3) Hamilton Lane Strategic Opportunities 2016 Fund LP (HLSOF), a Delaware limited partnership (21.6% equity and voting); and (4) ICG North America Holdings Ltd. (ICGNA), a Cayman Islands corporation (5.7% equity and voting).<sup>13</sup>

New Alpha's Plan contemplates that a "substantial majority of the New Alpha Warrants will be exercised for New Equity Interests that would cause (a) New Alpha's aggregate foreign ownership to exceed 25 percent and (b) certain foreign Owners to hold equity and/or voting interests in New Alpha that

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<sup>6</sup> Petition at 1-2. Each of the entities and individuals requiring specific approval will hold a non-controlling interest in New Alpha. *Id.* New Alpha states that its post-declaratory ruling day-to-day operations will remain under the control of U.S. citizens. *Id.* at 2.

<sup>7</sup> See *id.* at 2 & Attach. A, Petitioners, Subsidiaries, Licenses, and Applications. New Alpha, a Delaware corporation, through two wholly owned subsidiaries (Alpha Media Licensee LLC and Alpha 3E Licensee LLC), owns and operates 236 full power radio broadcast stations and translator stations licensed by the Commission. The licensees, Alpha Media Licensee LLC and Alpha 3E Licensee LLC, are Delaware limited liability companies.

<sup>8</sup> *Id.* at 2. New Alpha emerged from bankruptcy on July 15, 2021. *Id.* at 3; see *Alpha Media Licensee LLC, Debtor-in-Possession (Assignor) and Alpha Media Licensee LLC (Assignee); Alpha 3E Licensee LLC, Debtor-in-Possession (Assignor) and Alpha 3E Licensee LLC (Assignee)*, Application File Nos. 0000138519, 0000138678, 0000138727, 0000138774, *et al.*, Order, DA 21-825 (July 13, 2021) (*Alpha Approval Order*). The Petition was timely filed pursuant to section 1.5000(a)(1) of the Commission rules and the condition imposed in the *Alpha Approval Order*. See *Alpha Approval Order* at 17, para. 48 (requiring filing of a petition for declaratory ruling within 30 days of emergence from bankruptcy).

<sup>9</sup> *Alpha Approval Order* at 15-16, paras. 42-46 (grant of temporary and limited waiver of section 1.5000(a)(1) of the Commission's rules, which requires an applicant for a broadcast station license to file a petition for declaratory ruling to exceed the aggregate foreign ownership benchmark set forth in section 310(b)(4) of the Act "at the same time that it files its application" for transfer of control and requiring filing of a petition for declaratory ruling within 30 days of emergence from bankruptcy).

<sup>10</sup> See Petition at 3.

<sup>11</sup> Pursuant to the Plan, New Alpha acquired 100% of the equity interests in Old Alpha. *Id.* at 4.

<sup>12</sup> *Id.* at 3. New Alpha states that the Warrants carry no voting rights, confer no rights to economic distributions, and are convertible instruments that by their terms may be exercised only if consistent with the Communications Act. *Id.* at 3, n.6.

<sup>13</sup> *Id.* at 4. The foreign equity and voting percentages include interests held directly and indirectly in New Alpha. The remaining 3.6% voting and equity interests in New Alpha are held by non-attributable interest holders. See Attach. C-1.

would require specific approval.”<sup>14</sup> New Alpha estimates that if the Commission were to grant the Petition and the Warrants are fully exercised, it would have foreign ownership of more than 70% on both an equity and voting basis.<sup>15</sup> The Petition seeks authorization for up to 100% aggregate foreign voting and equity investment in order to permit flexibility for New Alpha to take on additional foreign ownership in the future.

After the exercise of the Warrants, five entities will hold the following direct attributable interests in New Alpha: (1) MPEH (23.6% equity; 25% voting);<sup>16</sup> FGH (7.9% equity; 8.3% voting);<sup>17</sup> (3) HLSOF (7.9% equity; 8.3% voting);<sup>18</sup> (4) ICGNA (39.1% equity; 41.4% voting);<sup>19</sup> and (5) BigSur Capital Partners Three Corp. (BigSur), a British Virgin Islands corporation (6.3% equity; 6.7% voting).<sup>20</sup> New Alpha seeks specific approval for BigSur, ICGNA, and four foreign entities affiliated with ICGNA, to each hold more than 5% of New Alpha’s equity and/or voting interests.<sup>21</sup> New Alpha also seeks advance

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<sup>14</sup> *Id.* at 5. New Alpha expects that the holders of more than 91% of its Warrants will exercise their Warrants following grant of the Petition. *Id.* at 7. New Alpha states that one group of its Warrant holders has indicated that it does not intend to exercise its Warrants, but “even considering the group’s Warrants on a fully diluted basis, the group would not hold an interest in New Alpha that requires specific approval.” *Id.* New Alpha also states that two additional New Alpha Warrant holders, which are indirectly commonly controlled by a Cayman Islands limited partnership, hold Warrants that, if fully exercised, would cause the partnership to hold an indirect voting and equity interest of more than 5%. New Alpha explains, however, that the holders “have indicated that they intend to transfer a sufficient number of Warrants or take other action to ensure that the Cayman Islands partnership’s interest does not exceed 5 percent of Alpha’s voting or equity and, thus, does not require specific approval.” *Id.* According to New Alpha, these two Warrant holders are U.S. insurance companies whose combined interest represents an approximately 5.75% interest in New Alpha calculated on a fully-diluted basis. Second Supplement at 3. Aside from the interests held indirectly through the insurance companies and a de minimis interest held through an insulated limited partner of ICG North American Private Debt Fund LP (see First Supplement at 5, n.10) the Cayman Island partnerships hold no other direct or indirect interests in New Alpha. Second Supplement at 3-4, n.11. Further, in addition to committing to reduce their combined interest to less than 5%, New Alpha asserts that specific approval is not required for these entities as they hold less than a 10% interest in New Alpha (a privately held company); are prohibited from becoming actively involved in New Alpha; and hold rights equal to or less than minority shareholder protections permitted by the Commission’s rules. Second Supplement at 3-4. In addition, New Alpha indicates that it has entered into an agreement with the insurance companies reaffirming the limitations on the involvement of those entities. Second Supplement at 4-6, Attach. B.

<sup>15</sup> Petition at 8. New Alpha clarifies that “this estimate is based upon direct inquiry of the entities that will hold direct and/or indirect ownership interests in New Alpha and calculations performed by New Alpha’s advisors.” *Id.*, Attach. D.

<sup>16</sup> *Id.* at 13 (detailing MPEH’s interest in New Alpha).

<sup>17</sup> *Id.* at 14 (detailing FGH’s interest in New Alpha).

<sup>18</sup> *Id.* at 15 (detailing HLSOF’s interest in New Alpha).

<sup>19</sup> *Id.* at 9-12 (detailing ICGNA’s interest in New Alpha).

<sup>20</sup> *Id.* at 12 (detailing BigSur’s interest in New Alpha); *see also* Attach. B (listing all the entities and individuals that will hold direct and indirect attributable interests in New Alpha), Attach. C (detailing New Alpha’s current ownership structure following emergence from bankruptcy and its proposed ownership structure following the exercise of the Warrants), and Attach. D (listing percentage estimates of New Alpha’s aggregate direct and indirect foreign equity and voting interests following the exercise of the Warrants and a general description of the methods used to determine the percentages). The remaining equity and voting interests in New Alpha are held by other non-attributable shareholders. *See* Attach. C-5.

<sup>21</sup> In the Petition, New Alpha indicated that MPEH had a Japanese affiliate, MetLife Insurance, K.K. (MIK). According to New Alpha, the interests held by MIK were to be transferred to MPEH prior to the exercise of Warrants, and accordingly, MIK would not require specific approval. *See* Petition at 8, 13. By its Second Supplement, New Alpha has confirmed that MIK has assigned all of the warrants and stock MIK received at Alpha’s

(continued....)

approval for BigSur, ICGNA, and the four ICGNA-affiliated foreign entities to hold up to 49.99% of New Alpha's equity and/or voting interests.<sup>22</sup> The ownership of these entities, and projected equity and voting interests in New Alpha, is discussed below.<sup>23</sup> New Alpha states that neither MPEH, FGH, HLSOF, nor any of the entities or individuals in each of those entity's ownership structure, require specific approval.<sup>24</sup>

New Alpha argues that grant of the Petition will serve the public interest by "enabling it to better compete in the media marketplace, incentivizing foreign investment in broadcasting, and promoting U.S. trade policy by encouraging reciprocal investment opportunities for U.S. companies in foreign markets, while avoiding any risks to national security, law enforcement, or foreign or trade policy."<sup>25</sup> New Alpha emphasizes that the proposed foreign owners of interests requiring specific approval are organized under the laws of the United Kingdom, the British Virgin Islands, the Cayman Islands, and Jersey, "all of which are allies of the United States and investors in its economy, and with which the U.S. is engaged in robust reciprocal trade."<sup>26</sup>

#### *ICGNA and Affiliated Foreign Entities*

As proposed in the Petition, ICGNA, a Cayman Islands corporation, will hold an approximate 39.1% direct equity interest and 41.4% direct voting interest in New Alpha. The following four foreign entities affiliated with ICGNA will hold the following indirect equity and voting interests in New Alpha, and therefore, also require specific approval: (1) Intermediate Capital Group PLC (ICG PLC), a United Kingdom private limited company (10.6% equity; 46.7% voting); (2) ICG FMC Limited (ICG FMC), a United Kingdom private limited company (0% equity; 43.2% voting); (3) ICG Global Investment Jersey Limited (ICG Jersey), a Jersey registered private company (7.3% equity; 7.7% voting); and (4) ICG Global Investment UK Limited (ICG UK), a United Kingdom private limited company (7.3% equity; 7.7% voting).<sup>27</sup> New Alpha also seeks authorization for ICGNA, ICG PLC, ICG FMC, ICG Jersey, and ICG UK to hold up to 49.99% of New Alpha's equity and/or voting interests.<sup>28</sup> The ownership structure of ICGNA and its affiliated entities is detailed below.

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emergence from bankruptcy to MEH. Second Supplement at 1- 2, Attach. A (providing copies of the executed assignment of warrants and stock). New Alpha indicates that MIK assigned its interests to MPEH ten days after the filing of the Petition and no longer holds any interest in Alpha, and therefore does not require specific approval. *Id.* at 2.

<sup>22</sup> See *id.* at 16 & nn.40-41.

<sup>23</sup> See also Petition, Attach. E (listing each entity or individual for which specific approval is requested).

<sup>24</sup> *Id.* at 13-15; Supplement at 2-3 & Attach. A. New Alpha explains that although "MPEH, FGH, and HLSOF themselves have some foreign ownership and thus contribute modest amounts of foreign ownership to New Alpha's aggregate foreign ownership . . . no entity affiliated with these U.S. [Owners] requires specific approval." Petition at 8. None of the foreign owners will hold more than a 5 percent indirect voting or equity interest in New Alpha and, accordingly, none will require specific approval under the Commission's rules. Petition at 13-15.

<sup>25</sup> *Id.* at 2, 17-25. New Alpha states that the "important public interest benefits with enabling greater foreign investment in communications companies take on added significance in the context of a company, such as New Alpha, that has recently restructured its debt load through the Chapter 11 bankruptcy process." *Id.* at 19. According to New Alpha, "permitting the conversion of debt to equity (or warrants to equity) following the grant of any necessary declaratory ruling will serve the important goal of incentivizing . . . foreign debt investments in companies subject to the Communication Act's foreign ownership limitations, allowing such companies to emerge in a stronger economic position." *Id.*

<sup>26</sup> *Id.* at 23.

<sup>27</sup> See *id.* at 16 & Attach. E. New Alpha states that the projected equity and voting percentages are approximate and may differ from what is reported at the closing of the transaction, but that it will supplement the Petition to the extent it determines that any material changes are likely to occur. *Id.*

<sup>28</sup> See *id.* at 16 & nn.40-41.

ICG Jersey holds a 18.57% equity and voting interest in ICGNA. Following the exercise of ICGNA's Warrants, ICG Jersey will hold an approximate 7.3% equity and 7.7% voting interest in New Alpha, indirectly through ICGNA. Therefore ICG Jersey, a foreign entity, requires specific approval.<sup>29</sup> ICG Jersey is wholly owned by ICG UK, also a foreign entity, and therefore ICG UK, through its ownership of ICG Jersey, similarly holds an indirect 7.3% equity and 7.7% voting interest in New Alpha that requires specific approval under the Commission's rules.<sup>30</sup>

ICG North American Private Debt Fund LP (ICG North American LP), a Delaware limited partnership, holds a 79.64% equity and voting interest in ICGNA.<sup>31</sup> ICG North American LP's sole general partner is ICG North American Private Debt GP LP (ICG North American GP), a Delaware limited partnership, with a 100% voting interest in ICG North American LP.<sup>32</sup> ICG North American LP's limited partners, which New Alpha states are insulated in accordance with the Commission's rules, hold 100% of its equity.<sup>33</sup> ICG North American GP's sole general partner is ICG North America Associates LLC, a Delaware limited liability company,<sup>34</sup> which is wholly owned by its sole member, ICG FMC, a foreign entity.<sup>35</sup>

ICG Fund Advisors, LLC (ICG Advisors), a Delaware limited liability company, is the investment manager of ICGNA's investment in New Alpha and controls, as investment advisor, ICGNA's 41.4% voting interest in New Alpha.<sup>36</sup> In addition, ICG Advisors also acts as the investment manager for, and controls a portion of the interests held by, two additional warrant holders that New Alpha states will not hold an attributable interest in New Alpha or require specific approval. This amounts to ICG Advisors holding an additional voting interest of approximately 1.8% in New Alpha.<sup>37</sup> ICG Advisors is wholly owned by Intermediate Capital Group, Inc., a Delaware corporation, which, in turn, is wholly owned by ICG FMC, a foreign entity.<sup>38</sup> Accordingly, ICG FMC, through its indirect ownership of ICGNA and ICG Advisors, holds an indirect 43.2% voting interest in New Alpha that requires specific approval under the Commission's rules.<sup>39</sup>

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<sup>29</sup> *Id.* at 10; 47 CFR § 1.5000(i).

<sup>30</sup> Petition at 10; 47 CFR § 1.5000(i).

<sup>31</sup> Petition at 10.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.* at 11; Supplement, Attach. C (certification of Brian Spenner on behalf of ICG North American LP). New Alpha states that each of the foreign insulated limited partners of ICG North American LP holds less than a 32.11% equity interest in ICG North American LP, and accordingly, no such limited partner requires specific approval. Supplement at 3-5.

<sup>34</sup> ICG North American GP's limited partners, which New Alpha states are insulated in accordance with the Commission's rules, hold all of its equity. Petition at 11; Supplement, Attach. D (certification of Brian Spenner on behalf of ICG North American GP). Because ICGNA's equity flows through ICG North American LP to its limited partners, neither ICG North American GP nor its limited partners have an indirect equity interest in ICGNA. Petition, Attach. C at 8.

<sup>35</sup> *Id.* at 11.

<sup>36</sup> *Id.* at 9-10.

<sup>37</sup> *Id.* at 11, n.26 & Attach. C at 8.

<sup>38</sup> *Id.* at 10. New Alpha explains that ICG FMC requires specific approval as a result of its ultimate control of ICGNA's interest in New Alpha. *Id.*

<sup>39</sup> *Id.* at 11, n.26.

Finally, ICG PLC, a foreign entity, ultimately controls ICGNA as the sole shareholder of ICG FMC and ICG UK, with a direct interest of 100% (equity and voting) in those two entities.<sup>40</sup> In addition, ICG PLC will also directly hold approximately a 3.3% equity interest and a 3.5% voting interest in New Alpha.<sup>41</sup> Accordingly, when combined with the indirect 7.3% equity and 43.2% voting interests that it holds in New Alpha through its ownership of ICG FMC and ICG UK, ICG PLC will hold an approximate 10.6% total equity interest and 46.7% total voting interest in New Alpha.<sup>42</sup>

### *BigSur*

As proposed in the Petition, BigSur, a British Virgin Islands corporation, will hold an approximate 6.3% direct equity interest and a 6.7% direct voting interest in New Alpha.<sup>43</sup> New Alpha seeks authorization for BigSur to hold up to 49.99% of New Alpha's equity and/or voting interests.<sup>44</sup> BigSur Partners, LLC (BigSur LLC), a Delaware limited liability company, holds a 100% voting interest and 0% equity interest in BigSur.<sup>45</sup> BigSur LLC has three U.S. members: (1) Gorriti Investments, LLC, a Florida limited liability company; (2) BigSur Advisors Corp., a Florida corporation;<sup>46</sup> and (3) PCP Advisors Corp., a Florida corporation.<sup>47</sup>

BigSur's equity interests are owned by 15 funds registered in the Bahamas, Netherlands, British Virgin Islands, Cayman Islands, and New Zealand. According to New Alpha, each fund holds an equity interest of between 3.0% and 12.2% in BigSur, is insulated in accordance with the Commission's broadcast attribution rules, and will hold less than a 1% indirect equity (and deemed voting) interest in New Alpha.<sup>48</sup>

Pursuant to Commission practice, the Petition will be referred to relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of New Alpha.<sup>49</sup>

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<sup>40</sup> *Id.* at 10.

<sup>41</sup> *Id.* at 11.

<sup>42</sup> *Id.* at 11-12, 16 & n.27.

<sup>43</sup> *Id.* at 12.

<sup>44</sup> *See id.* at 16 & nn.40-41.

<sup>45</sup> *Id.* at 12.

<sup>46</sup> BigSur Advisors Corp. is wholly owned by Ignacio Pakciarz, a U.S. citizen. *Id.*

<sup>47</sup> *Id.* New Alpha states that "as U.S.-organized and -controlled entities, none of the members of BigSur LLC will require specific approval." *Id.*

<sup>48</sup> Petition at 12. New Alpha states that "none of the funds holding interests in BigSur will require specific approval." *Id.*

<sup>49</sup> *See Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket 16-155, Report and Order, 35 FCC Rcd 10927 (2020). *See also Rules and Policies on Foreign Participation in the U.S. Telecommunications Market; Market Entry and Regulation of Foreign-Affiliated Entities*, IB Docket Nos. 97-142 and 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23918-19, paras. 61-63 (1997) (*Foreign Participation Order*), recon. denied, 15 FCC Rcd 18158 (2000).

## EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,<sup>50</sup> the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.<sup>51</sup>

Parties making oral *ex parte* presentations are directed to the Commission's *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.<sup>52</sup> More than a one- or two-sentence description of the views and arguments presented is generally required.<sup>53</sup> Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.<sup>54</sup>

## GENERAL INFORMATION

The petition for declaratory ruling referred to in this Public Notice has been accepted for filing upon initial review. The Commission reserves the right to return any filing if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. Interested persons must file comments no later than **February 6, 2023**. Replies must be filed no later than **February 21, 2023**.

To allow the Commission to fully consider all substantive issues regarding the Petition in as timely and efficient a manner as possible, commenters should raise all issues in their initial filings. A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously.<sup>55</sup> Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

All filings concerning matters referenced in this Public Notice should refer to MB Docket No. 23-11, as well as the specific file number of any relevant individual application or other matters to which the filings pertain.

Submissions in this matter may be filed electronically (i.e., through ECFS) or by filing paper copies.

- *Electronic Filers*: Documents may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- *Paper Filers*: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by commercial overnight courier or by first-class or overnight U.S.

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<sup>50</sup> 47 CFR § 1.1200(a).

<sup>51</sup> 47 CFR § 1.1206.

<sup>52</sup> See 47 CFR § 1.1206(b)(1).

<sup>53</sup> See *id.*

<sup>54</sup> 47 CFR § 1.1206(b).

<sup>55</sup> 47 CFR §§ 1.46(a), 73.3584(e).

Postal Service mail.<sup>56</sup> All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

One copy of each pleading must be delivered electronically, by e-mail, or if delivered as paper copy, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) Albert Shuldiner, Audio Division, Media Bureau, at [albert.shuldiner@fcc.gov](mailto:albert.shuldiner@fcc.gov); (2) Christopher Clark, Audio Division, Media Bureau, at [christopher.clark@fcc.gov](mailto:christopher.clark@fcc.gov); and (3) Brendan Holland, Audio Division, Media Bureau, at [brendan.holland@fcc.gov](mailto:brendan.holland@fcc.gov). Any submission that is e-mailed to Albert Shuldiner, Christopher Clark, and Brendan Holland should include in the subject line of the e-mail: (1) MB Docket No. 23-11; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (e.g., MB Docket No. 23-11, [name of submitting party], Comments).

Copies of the Petition and any subsequently filed documents in this matter are available electronically through the Commission's Electronic Filing Comment System (ECFS), which may be accessed on the Commission's Internet website.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov); phone: (202) 418-0530.

For further information, contact Albert Shuldiner, Audio Division, Media Bureau, at (202) 418-2726. Press inquiries should be directed to Janice Wise, Media Bureau, (202) 418-8165 or (888) 835-5322.

This action is taken by the Chief, Media Bureau, pursuant to authority delegated by sections 0.61 and 0.283 of the Commission's rules.<sup>57</sup>

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<sup>56</sup> Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, DA 20-304 (rel. Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

<sup>57</sup> 47 CFR §§ 0.61 and 0.283.